

SUBJECT: Authorizing El Paso County district to develop parks

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 8 ayes — Ritter, T. King, Beck, Creighton, Larson, Lucio, D. Miller, Price
0 nays
3 absent — Hopson, Keffer, Martinez Fischer

WITNESSES: For — *(Registered, but did not testify:* Pat Haggerty, City of El Paso; Ken Kramer, Lone Star Chapter, Sierra Club; Claudia Russell, El Paso County)
Against — None

BACKGROUND: Art. 16, sec. 59 of the Texas Constitution governs the conservation and development of natural resources and parks and recreational facilities, including conservation and reclamation districts. Sec. 59(a) states that conservation and development of Texas' natural resources are public rights and duties, and the Legislature must pass laws appropriate for this purpose. Sec. 59(b) allows the creation of conservation and reclamation districts as governmental agencies with power to incur debts as necessary.

Sec. 59(c-1) of the Constitution allows the Legislature to authorize conservation and reclamation districts to use taxes to develop and finance certain parks and recreational facilities that were not so authorized before September 13, 2003. The Legislature is able to authorize certain districts to issue bonds for the development and maintenance of recreational facilities, if approved by a majority of voters in a district election. Districts in Bexar, Bastrop, Waller, Travis, Williamson, Harris, Galveston, Brazoria, Fort Bend, and Montgomery counties are among those specifically named in the constitutional provision. The bonds are liens on the properties assessed for the payment of the bonds. The Legislature also can authorize the districts to levy taxes to pay interest and create sinking funds for the bonds. The Legislature cannot authorize bond issuance or provide for indebtedness against a district unless a proposition first submitted to qualified district voters is adopted.

DIGEST: CSHJR 92 would add El Paso County to the list of counties specifically named in Art. 16, sec. 59 (c-1) of the Texas Constitution in which conservation and reclamation districts would be allowed to develop and finance certain parks and recreational facilities with taxes.

The proposal would be presented to the voters at an election on Tuesday, November 8, 2011. The ballot proposal would read: “The constitutional amendment authorizing the legislature to permit conservation and reclamation districts in El Paso County to issue bonds supported by ad valorem taxes to fund the development and maintenance of parks and recreational facilities.”

**SUPPORTERS
SAY:**

CSHJR 92 would not raise taxes, nor would it automatically create a parks district. The bill simply would add El Paso County to the Constitution among those counties for which the Legislature could allow voters to approve a proposal to create a parks district in the area. There currently are 10 other counties on the list whose districts already have been granted this authority. Submitting the proposition to the voters is only one step, albeit a very important one, in the process of creating the parks district. The parks district could be granted the authority to levy taxes, but because other steps are required before that could take place, CSHJR 92 would neither create the district, nor grant it taxing authority. It is important that local voters decide how they would be impacted, and this bill would provide the mechanism for that to occur.

CSHJR 92 would give the voters in El Paso the opportunity to decide whether they would like to create a parks district. The creation of a parks district would allow local taxpayers to access and enjoy all recreational assets of the county by combining them under one system. A compelling need exists for park development, as parks are assets critical to the success of a community, that attract and retain human capital, and that provide an investment to the region. The development of parks and recreation would provide greater overall opportunity to offer higher quality services than could be provided as separate political jurisdictions. In order to make El Paso a world-class city, a world-class parks system would be needed.

CSHJR 92 is supported by El Paso County Commissioners Court, as reflected by the court’s vote to recommend the constitutional amendment to enable the creation of the regional parks district. The city of El Paso also supports the creation of the district, as reported by the City’s Blue Ribbon Committee, which was established to evaluate and provide

recommendations to the El Paso City Council on options for creating a regional park authority or district. The representatives of both the city and the county are supportive of this initiative that could improve the quality of life for the area's residents.

**OPPONENTS
SAY:**

CSHJR 92 would create the opportunity for another authority to tax the residents of El Paso County during stressful economic conditions. If the proposition was approved, the district eventually would have authorization to impose taxes on local citizens. El Paso is a property poor county that provides unsubsidized support to its sister city, Juarez. The focus of government leaders should be on revenue generation and sustaining the local economy, not looking for opportunities to create debt. Although improving the area's quality of life is important, CSHJR 92 would be an irresponsible approach at this point in time.

CSHJR 92 would not reflect the overwhelming opinion of the area's leaders. El Paso County and city leadership should have been provided with specific information concerning the exact financing, leadership, functions, and authority of the proposed parks district. The bill has been characterized as a way for the people of El Paso County to begin a conversation regarding whether a parks district would be beneficial to the area and its citizens. However, very little investigation has been done to ascertain the actual economic effects of a vote approving the parks district.

NOTES:

The companion measure, SJR 28 by Rodriguez, was adopted by the Senate by 31-0 on March 31 and was reported favorably, without amendment, by the House Natural Resources Committee on May 3, making it eligible to be considered in lieu of HJR 92.